

(b) Local School Boards and parents must be given the opportunity to be involved in the evaluation.

(c) The Agency Special Education Coordinator will, through a review and comparison of the report with monitoring findings, certify the validity for the annual report.

(d) The Agency Special Education Coordinator will compile the reports and submit the compilation to the Division of Exceptional Education.

(e) The Division will consolidate the evaluation data into a single report on the BIA special education programs.

§ 45.72 Comparability of facilities.

Facilities which are identifiable as being for handicapped children and the services and activities provided therein, must meet the same standards and level of quality as do facilities, services and activities provided to non-handicapped children.

§ 45.73 Non-discrimination.

(a) No Bureau of Indian Affairs operated and/or funded school shall deny admission to any qualified Indian handicapped child on the basis of handicap.

(b) Each school must provide each handicapped Indian child enrolled therein whatever educational support services (including tutoring, access to instructional equipment, auxiliary aids) are necessary to permit the child to fully benefit from the program of special education and related services.

Subpart G—Responsibilities of the Division

§ 45.74 The Division.

(a) The Division of Exceptional Education shall provide staff assistance to the Director, Office of Indian Education Programs to insure conformance with the requirements of this part. The Division shall prepare and submit the annual program plan required by the Education of the Handicapped Act. The Division shall be under the supervision of a Division Chief who reports to the Director.

(b) The Director is responsible for educational programs for handicapped children and has overall responsibility for insuring that every handicapped In-

dian child enrolled in a Bureau operated or funded school is provided a free appropriate education, and that all requirements of this part are fully complied with by schools, Agencies, and Areas.

§ 45.75 Monitoring.

(a) The Division of Exceptional Education shall monitor and evaluate the compliance of schools, Agencies, Areas and other affected public and non-public agencies with the requirements of this part consistent with written procedures. This monitoring will include:

- (1) Data collection;
- (2) On-site visits;
- (3) Review of special education Federal fund utilization;
- (4) Review of IEP implementation; and
- (5) Review of the continued need for residential placements.

(b) Schools, Agencies, Areas, non-public school programs and other affected Agencies shall keep timely, complete and accurate compliance reports. These reports shall contain information to enable the Division to ascertain compliance with the requirements of this part.

(c) Schools, Agencies, Areas, non-public school programs and other affected Agencies must permit the staff of the Division of Exceptional Education access to books, records, accounts, and other pertinent information necessary to ascertain compliance.

(d) The Division of Exceptional Education may conduct inquiries on behalf of an individual child or group of children, regarding failure to comply with any provision of this part.

(e) The Division of Exceptional Education shall monitor implementation of the procedural safeguard requirements of this part.

(f) The Division will provide a written report on the findings and will recommend actions for compliance to the responsible Agency. The Agency has the responsibility of providing this information to the individual school boards and appropriate school officials.

§ 45.76 Complaint procedures.

(a) The Director shall receive, review, and resolve complaints and act